



## **NEW EDUCATOR EVALUATION SYSTEM**

**July 11, 2012**

As a part of an Omnibus School Code bill, the Pennsylvania Legislature has passed a new law pertaining to educator evaluation. The law establishes the framework for a new evaluation system, which will be implemented for classroom teachers beginning in the 2013-14 school year and “non teaching professional employees”<sup>1</sup> in 2014-15.

**Evaluation Criteria for Classroom Teachers.** The new evaluation system requires all classroom teachers to be evaluated with a state-approved observation form that measures performance in four domains: 1) planning and preparation; 2) classroom environment; 3) instruction; and 4) professional responsibilities. In addition to this observation form, half of a teacher’s overall rating will be calculated from up to 16 different measures of student achievement, spanning three categories:

1. Aggregate, building level data, to count as 15 percent of the classroom teacher’s overall rating, including but not limited to the following:
  - Student performance on the PSSA and/or Keystone Exams;
  - Student performance on state value-added assessment calculations;
  - Student graduation rate;
  - Student promotion rate;
  - Student attendance rate;
  - Student participation in Advanced Placement courses; and
  - Student test data on the Scholastic Aptitude Test (SAT) and Preliminary Scholastic Aptitude Test (PSAT).
2. Student achievement measures attributable to an individual classroom teacher, to count as 15 percent of the classroom teacher’s overall rating, including but not limited to the following:
  - Student performance on the PSSA and/or Keystone Exams, for students assigned to the individual teacher;
  - Student performance on state value-added assessment calculations, for students assigned to the individual teacher;
  - Student progress in meeting the goals of an Individualized Education Plan (IEP), for students assigned to the individual teacher; and
  - Student performance as measured by locally developed school district rubrics, for students assigned to the individual teacher.
3. Student achievement measures comprised of elective data, to count as 20 percent of the classroom teacher’s overall rating, including measures of student achievement that are locally developed and selected by the school district from a list approved by PDE. These measures include but are not limited to the following:
  - District designed measures and examinations;
  - Nationally recognized standardized tests;
  - Industry certification exams;
  - Student projects; and
  - Student portfolios.

<sup>1</sup> “Nonteaching professional employee” is the term used in the legislation to refer to education specialists and other professional or temporary professional employees who “provide services other than classroom instruction.”

**Evaluation Criteria for “Nonteaching Professional Employees.”** Nonteaching professional employees will be evaluated in the 2014-15 school year with a new system that considers the following areas of performance: 1) planning and preparation; 2) educational environment; 3) delivery of service; and 4) professional development. PDE is currently working on specific rubrics for pupil services personnel that reflect these four categories. School-wide student performance measures must comprise 20 percent of a nonteaching professional employee’s overall rating. Specific elements of this measure will be established by PDE prior to 2014-15. PSEA has been invited to be a part of developing these rubrics and members will continue to provide input throughout the process.

All educators will be identified as performing at one of four levels: *distinguished*, *proficient*, *needs improvement*, or *failing*. Educators who earn an overall evaluation result of *distinguished* or *proficient* are considered “satisfactory”; educators who earn an overall evaluation result of *failing* are considered “unsatisfactory.” Educators who receive one overall evaluation result of *needs improvement* are considered “satisfactory”, but if the same educator receives a second *needs improvement* from the same employer and in the same area of certification within ten years, the second *needs improvement* will be considered an “unsatisfactory” evaluation result.

Educators who receive a *needs improvement* or *failing* must participate in a performance improvement plan.

Upon the active date of the new system (June 30, 2013 for classroom teachers and June 30, 2014 for nonteaching professionals), all previously approved systems are no longer valid forms of teacher evaluation in the Commonwealth. School districts may develop their own rating tool, but the tool must be approved by PDE as meeting or exceeding the measures of effectiveness listed above and defined by the new law. For locals that have contract language pertaining to evaluation, provisions in the contract that conflict with the requirements of the new system must be discontinued in any new or renewed agreement.

The new system includes some important protections for educators. For example, the legislation includes a statement that, “No employee shall be rated “needs improvement” or “failing” based solely upon student test scores,” and requires that, “No employee shall be dismissed...unless the employee has been provided a completed rating tool...which includes a description based upon classroom observations of deficiencies in practice supported by detailed anecdotal records that justify the unsatisfactory rating.” PSEA believes that these two statements provide considerable protections for educators and ensure that no adverse employment decisions can occur solely as a result of poor student performance on standardized tests.

Several evaluation issues remain unaddressed in the new legislation. For example, the legislation does not define how each element of the student performance measures will be weighted in a final evaluation score. Nor does the legislation suggest what a “passing” threshold should be for each of the student performance thresholds. These issues will be defined by PDE prior to the implementation date set in law. Subsequent changes in the evaluation system will be subject to State Board of Education approval. PSEA will continue to work with PDE on these and other issues over the next two years and through the early implementation stages. We will also monitor the regulatory review process and provide input to the State Board of Education as the regulations are developed.

PSEA will continue to work with PDE as they develop an evaluation system that meets the requirements of the new law. As has been the case throughout the three years of our involvement in this process, PSEA is in an advisory capacity only. PSEA remains committed to ensuring that educators are evaluated by a system that is valid, reliable, and fair.

*Attached is a set of questions and answers regarding the new PA Evaluation System. For additional information or if you have questions please contact Carla Claycomb in the Education Services Department at 800-944-7732, ext.7108 or at [cclaycomb@psea.org](mailto:cclaycomb@psea.org).*

ATTACHMENT TO ADVISORY  
OF JULY 11, 2012

Section 1123 of the Public School Code  
as amended by House Bill 1980, Act 82

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Section 1123. Rating System.—

(a) In determining whether a professional employe shall be dismissed for incompetency or unsatisfactory teaching performance as provided for in section 1122(a) of this act, and in rating professional employes and temporary professional employes, all professional employes and temporary professional employes shall be rated through the use of an approved rating tool developed by the Secretary of Education in consultation with education experts, parents of school-age children enrolled in a public school, teachers and administrators, including research and collaboration conducted by the department.

(b) For professional employes and temporary professional employes who serve as classroom teachers, the following shall apply:

(1) Beginning in the 2013-2014 school year, the evaluation of the effectiveness of professional employes and temporary professional employes serving as classroom teachers shall give due consideration to the following:

(i) Classroom observation and practice models that are related to student achievement in each of the following areas:

(A) Planning and preparation.

(B) Classroom environment.

(C) Instruction.

(D) Professional responsibilities.

(ii) Student performance, which shall comprise fifty per centum (50%) of the overall rating of the professional employe or temporary professional employe serving as a classroom teacher and shall be based upon multiple measures of student achievement. The fifty per centum (50%) shall be comprised of the following:

(A) Fifteen per centum (15%) building level data including, but not limited to, all of the following:

(I) Student performance on assessments.

(II) Value-added assessment system data made available by the department under section 221.

(III) Graduation rate as reported to the department under section 222.

(IV) Promotion rate.

(V) Attendance rate as reported to the department under section 2512.

(VI) Advanced placement course participation.

(VII) Scholastic aptitude test and preliminary scholastic aptitude test data.

(B) Fifteen per centum (15%) teacher specific data including, but not limited to, student achievement attributable to a specific teacher as measured by all of the following:

(I) Student performance on assessments.

(II) Value-added assessment system data made available by the department under section 221.

(III) Progress in meeting the goals of student individualized education plans required under the Individuals With Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

(IV) Locally developed school district rubrics.

(C) Twenty per centum (20%) elective data including measures of student achievement that are locally developed and selected by the school district from a list approved by the department and published in the Pennsylvania Bulletin by June 30 of each year including, but not limited to, the following:

(I) District-designed measures and examinations.

(II) Nationally recognized standardized tests.

(III) Industry certification examinations.

(IV) Student projects pursuant to local requirements.

(V) Student portfolios pursuant to local requirements.

(2)

(i) No later than June 30, 2013, the department shall develop, issue and publish in the Pennsylvania Bulletin a rating tool for professional employees and temporary professional employees serving as classroom teachers that is consistent with this subsection and includes the weights given to the multiple measures of student performance contained in clause (1)(ii).

(ii) Following publication, the rating tool developed under this subsection shall be used in the rating of all professional employees and temporary professional employees serving as classroom teachers.

(iii) After June 30, 2013, any changes to the rating tool developed under this subsection shall be made by the State Board of Education through regulations promulgated under the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act."

(c) For professional employees and temporary professional employees serving as principals, the following shall apply:

(1) Beginning in the 2014-2015 school year, principal effectiveness shall be measured using a rating tool designed specifically for professional employees and temporary professional employees serving as principals which shall give due consideration to the following:

(i) Planning and preparation.

(ii) School environment.

(iii) Delivery of service.

(iv) Professional development.

(v) Student performance, pursuant to clause (2).

(2) Student performance shall be measured as provided in subsection (b)(1)(ii) for professional employees and temporary professional employees supervised by the principal and shall

comprise fifty per centum (50%) of the principal's overall rating. The fifty per centum (50%) shall be comprised of the following:

(A) Fifteen per centum (15%) building level data, including, but not limited to, all of the following:

- (I) Student performance on assessments.
- (II) Value-added assessment system data made available by the department under section 221.
- (III) Graduation rate as reported to the department under section 222.
- (IV) Promotion rate.
- (V) Attendance rate as reported to the department under section 2512.
- (VI) Advanced placement course participation.
- (VII) Scholastic aptitude test and preliminary scholastic aptitude test data.

(B) Fifteen per centum (15%) correlation data based on teacher level measures.

(C) Twenty per centum (20%) elective data including measures of student achievement that are locally developed and selected by the school district from a list approved by the department and published in the Pennsylvania Bulletin by June 30 each year, which shall include, but not be limited to, the following:

- (I) District-designed measures and examinations.
- (II) Nationally recognized standardized tests.
- (III) Industry certification examinations.
- (IV) Student projects pursuant to local requirements.
- (V) Student portfolios pursuant to local requirements.

(3)

(i) No later than June 30, 2014, the department shall develop, issue and publish in the Pennsylvania Bulletin a rating tool for professional employees and temporary professional employees serving as principals that is consistent with this subsection and includes the weights given to the multiple measures of student performance contained in clause (2).

(ii) Following publication, the rating tool developed under this subsection shall be used in the rating of all principals superseding all other rating cards and forms used previously.

(iii) After June 30, 2014, any changes to the rating tool developed under this subsection shall be made by the State Board of Education through regulations promulgated under the "Regulatory Review Act."

(d) For nonteaching professional employees, the following shall apply:

(1) Beginning in the 2014-2015 school year, nonteaching professional employees shall be evaluated using a rating tool designed specifically for nonteaching professional employees which shall give due consideration to the following:

- (i) Planning and preparation.
- (ii) Educational environment.
- (iii) Delivery of service.
- (iv) Professional development.
- (v) Student performance of all students in the school building in which the nonteaching professional employee is employed which shall comprise twenty per cent-

tum (20%) of the overall rating of nonteaching professional employees and temporary professional employees.

(2)

(i) No later than June 30, 2014, the department shall develop, issue and publish in the Pennsylvania Bulletin a rating tool for nonteaching professional employees that is consistent with this subsection and includes the weights given to the multiple measures of student performance contained in clause(1)(v).

(ii) Following publication, the rating tool developed under this subsection shall be used in the rating of all nonteaching professional employees.

(iii) After June 30, 2014, any subsequent changes to the rating tool developed under this paragraph shall be made by the State Board of Education through regulations promulgated under the "Regulatory Review Act."

(e) Notwithstanding subsections (b), (c) and (d), professional employees and temporary professional employees serving as classroom teachers, principals and nonteaching professional employees may be evaluated through the use of a rating tool developed by an individual school district, intermediate unit or area vocational-technical school that the department has approved as meeting or exceeding the measures of effectiveness established under this section.

(f)

(1) Each rating tool developed or approved under this section shall identify the overall performance rating of the professional employees and temporary professional employees serving as classroom teachers, principals and nonteaching professional employees as one of the following:

(i) Distinguished.

(ii) Proficient.

(iii) Needs improvement.

(iv) Failing.

(2) An overall performance rating of either "distinguished" or "proficient" shall be considered satisfactory.

(3) An overall performance rating of "needs improvement" shall be considered satisfactory, except that any subsequent overall rating of "needs improvement" issued by the same employer within ten (10) years of the first overall performance rating of "needs improvement" where the employee is in the same certification shall be considered unsatisfactory.

(4) An overall performance rating of "failing" shall be considered unsatisfactory.

(5) An overall performance rating of "needs improvement" or "failing" shall require the employee to participate in a performance improvement plan. No employee shall be rated "needs improvement" or "failing" based solely upon student test scores.

(6) The department shall develop a rating scale to reflect student performance measures and employee observation results and establish overall score ranges for each of the four rating categories contained in clause (1).

(g) Upon publication in the Pennsylvania Bulletin of a rating tool developed under this section, the rating cards set forth in 22 Pa. Code § 351.21 (relating to rating form) and any alternative rating forms approved pursuant to 22 Pa. Code Ch. 351 (relating to teacher tenure hearings) prior to the

implementation of this section shall be discontinued for use in the evaluation of professional and temporary professional employees.

(h) The following shall apply to the ratings of all professional employees and temporary professional employees:

(1) All ratings shall be completed using the rating tools developed or approved under this section.

(2) Professional employees shall be rated at least annually and temporary professional employees shall be rated at least twice annually.

(3) Ratings shall be performed by or under the supervision of the chief school administrator or, if so directed by the chief school administrator, by an assistant administrator, a supervisor or a principal who has supervision over the work of the professional employee or temporary professional employee being rated, provided that no unsatisfactory rating shall be valid unless approved by the chief school administrator.

(4) No employee shall be dismissed under section 1122 unless the employee has been provided a completed rating tool provided for under this section, which includes a description based upon classroom observations of deficiencies in practice supported by detailed anecdotal records that justify the unsatisfactory rating.

(i) All school districts, intermediate units and area vocational-technical schools shall provide to the department the aggregate results of all professional employee and temporary professional employee, principal and nonteaching professional employee evaluations.

(j)

(1) Any rating tool developed by the Department of Education under this section shall be exempt from:

(i) Sections 201, 202, 203, 204 and 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the "Commonwealth Documents Law."

(ii) Section 204(b) of the act of October 15, 1980 (P.L.950, No.164), known as the "Commonwealth Attorneys Act."

(iii) The "Regulatory Review Act."

(2) This subsection shall not apply to any changes made to a rating tool or new rating tool developed by the State Board of Education pursuant to subsections (b)(2)(iii), (c)(3)(iii) and (d)(2)(iii).

(k) The State Board of Education may develop standards or regulations consistent with this section.

(l)

(1) The department's duty to develop a rating tool under subsection (b)(2) shall expire on June 30, 2013.

(2) The department's duty to develop rating tools under subsections (c)(3) and (d)(2) shall expire on June 30, 2014.

(m) No collective bargaining agreement negotiated by a school district and an exclusive representative of the employees in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act," after the effective date of this subsection shall provide for a

rating system other than as provided for in this section. A provision in any agreement or contract in effect on the effective date of this subsection that provides for a rating system in conflict with this section shall be discontinued in any new or renewed agreement or contract or during the period of status quo following an expired contract.

(n) The requirements of this section shall apply to all school districts, intermediate units and area vocational-technical schools.

(o) For purposes of this section:

(1) The term "assessment" shall mean the Pennsylvania System of School Assessment test, the Keystone Exam, an equivalent local assessment or another test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(i) and required under the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) or its successor statute or required to achieve other standards established by the department for the school or school district under 22 Pa. Code § 403.3 (relating to single accountability system).

(2) The term "chief school administrator" shall include individuals who are employed as a school district superintendent, an executive director of an intermediate unit or a chief school administrator of an area vocational-technical school.

(3) The term "classroom teacher" shall mean a professional employe or temporary professional employe who provides direct instruction to students related to a specific subject or grade level.

(4) The term "department" shall mean the Department of Education of the Commonwealth.

(5) The term "education specialist" shall have the meaning given to it under the act of December 12, 1973 (P.L.397, No.141), known as the "Professional Educator Discipline Act."

(6) The term "nonteaching professional employe" shall mean an education specialist or a professional employe or temporary professional employe who provides services other than classroom instruction.

(7) The term "performance improvement plan" shall mean a plan, designed by a district with input of the employe, that may include mentoring, coaching, recommendations for professional development and intensive supervision based on the contents of the rating tool provided for under this section.

(8) The term "principal" shall include a building principal, an assistant principal, a vice principal or a director of vocational education.

(p) An employe's individual rating form shall not be subject to disclosure under the act of February 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."